

REMARKS

Applicant requests favorable reconsideration and withdrawal of the rejection set forth in the above-mentioned Office Action in view of the foregoing amendment and the following remarks.

Claims 1-9 remain pending, with claim 1 being the only independent claim. Claim 1 has been amended herein. Support for the amendment can be found throughout the originally-filed disclosure including, for example, in Figure 1B. Accordingly, Applicant submits that the amendment to claim 1 does not include new matter.

Claims 1-9 are rejected in the Office Action under 35 U.S.C. § 102(b) as being anticipated by Danielzik et al. (U.S. Patent No. 5,822,472).

Applicant respectfully traverses the rejection. Nevertheless, without conceding the propriety of the rejection and solely to expedite prosecution, Applicant has amended independent claim 1 to clarify certain features of the claim not suggested by the cited reference to Danielzik et al. To this end, Applicant submits that the claimed invention is patentably distinguishable from Danielzik et al. for at least the following reasons.

The Office Action cites Danielzik et al. as disclosing an optical analysis device comprising, inter alia, a light-transmitting member in the form of wave guiding layer 4.

Applicant respectfully submits, however, that Danielzik et al. does not disclose or suggest a “cylindrical columnar light-transmitting member,” as recited in amended independent claim 1. Instead, Danielzik et al. discloses the element 4 as a planar wave guiding layer. See, e.g., Fig. 1; col. 6, lines 5-8. The planar waveguide of Danielzik et al. may have less surface area than a cylindrical columnar light-transmitting member of the present invention. As such, the present invention may provide for a higher adhesion

efficiency for a material to be detected on the outer surface of the light-transmitting member than the configuration disclosed by Danielzik et al.

For at least the foregoing reasons, Applicant submits that the claimed invention is patentable over Danielzik et al.

In view of the foregoing amendment and remarks, Applicant respectfully requests favorable reconsideration and passage to issue of the application.

Any fee required in connection with this paper should be charged to Deposit Account No. 06-1205.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continued to be directed to our address given below.

Respectfully submitted,

/Donald H. Heckenberg, Jr./

Donald H. Heckenberg, Jr.
Attorney for Applicant
Registration No.: 60,081

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

DHH/tul